

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**TOTAL PETROLEUM PUERTO RICO
CORP.,**

Plaintiff,

v.

RAFAEL FONSECA-MARRERO, et al.

Defendants

CIVIL NO. 16-2436 (PAD)

ORDER

Before the court is the “Joint Motion for Entry of Permanent Injunction Order and for Extension of Discovery Deadline” (Docket No. 38), whereby the parties jointly requested entry of a permanent injunction instructing defendants to: (i) permanently surrender the premises and gasoline station in question, the tanks, and all the equipment therein located to plaintiff; (ii) comply with all other post-termination covenants of the franchise agreements, and; (iii) to permanently refrain from using the “TOTAL” brands, trademarks and related indications, as well as promoting or advertising that defendants were formerly a Total Petroleum Puerto Rico Corp. franchisee, using the TPPRC’s operating manuals, training manuals, sales manuals and aids, advertising and promotional materials, and all other trade secret and confidential and proprietary material delivered to defendants pursuant to the franchise relationship. Id. at ¶ 3. Also, the parties requested that discovery and the deadline to submit dispositive motions be extended. Id. at ¶ 7.

The motion was referred to U.S. Magistrate Judge Bruce J. McGiverin (Docket No. 29), who issued a Report and Recommendation (“R&R”) recommending that the injunction be entered, and granted the request to extend the discovery and file dispositive motions (Docket No. 41). Id. The parties did not file any objections. Upon *de novo* review of the record and the joint motion at

Docket No. 38, the court hereby **ADOPTS** the R&R (Docket No. 41), and, accordingly, **GRANTS** the request for a permanent injunction at Docket No. 38. The parties shall submit a proposed order for the court's consideration not later than May 31, 2018.

SO ORDERED.

In San Juan, Puerto Rico, this 24th day of May, 2018.

s/Pedro A. Delgado-Hernández
PEDRO A. DELGADO-HERNÁNDEZ
United States District Judge